REMARKS

Claims 3, 7-11, 18, 19, 21, 24-27, 32, 33, and 35-41 and 43-50 are pending in this application. By this Amendment, claims 3, 7, 8, 10, 18, 19, 21, 24, 32, 35-41, 43 and 44 are amended and claims 45-50 are added and claims 20 and 42 are canceled.

The Office Action rejects claims 3, 7-11, 18-21, 24-27, 32, 33 and 35-44 under 35 U.S.C. 112, second paragraph. The language in claims concerning "negotiating" has been removed and the claims clarified that the second device configures its capabilities or attributes based on the signature information embedded in the transmitted data stream by the first device. It is respectfully submitted that the claim language as presented herein is fully supported by the specification. Therefore, it is respectfully submitted that this rejection should be withdrawn.

The Office Action rejects claims 3, 8-11, 18-21, 24-27, 32, 33, and 35-42 and 44 under 35 U.S.C. 103(a) as being allegedly unpatentable over European Patent No. 1,098,522 to Stone et al. ("Stone") in view of U.S. Patent Application Publication No. 2001/0044899 to Levy ("Levy") and further in view of Transport Security From Wikipedia (hereinafter "TLS"). The Office Action rejects claim 7 under 35 U.S.C. 103(a) as being unpatentable over Stone in combination with Levy and TLS and further in view of PCT Patent Publication WO 97/48212 to Kari et al. ("Kari"). The Office Action rejects claims 41 and 43 under 35 U.S.C. 103(a) as being unpatentable over Stone, Levy, TLS and further in view of U.S. Patent No. 6,731,776 to Fujiwara (hereinafter "Fujiwara").

By this Amendment, independent claims 35 and 36 are amended and new claim 49 is presented to clarify that the signature information is embedded or inserted within the multimedia data stream itself and not within a transport layer header field that is applied to the multimedia data stream. The advantage of this is that it is not necessary for the first and second devices to undergo a handshaking protocol or exchange prior to transmitting data from the first device to the second device because the signature information indicating the capabilities of the first device is contained within the data stream itself. Thus, as reflected in newly presented dependent claims 47 and 48 and in new independent claim 49, the signature information can change from time to time depending on changes in the capabilities of the first device. The second device will then respond to those changes in the signature information and make changes, if necessary, to its

capabilities. Because the signature information is embedded within the data stream itself and not included in a header field, the second device can follow changes in the signature information and make changes to its capabilities accordingly in real-time while the data stream is being transmitted. It is not necessary to stop a transmission session, negotiate the new parameters through some handshaking transaction or exchange of header fields, and then resume communication with the new capabilities.

The Stone reference is cited merely for its textbook teaching of a watermark. Stone teaches that a watermark may be used to identify ownership when distributing media content. Thus, Stone is directed to using a watermark to identify the media content itself.

Similarly, Levy teaches the use of an identification-based watermark, where the watermark may be re-encoded when changing formats of the media content in such a way as to preserve the original watermark. According to Levy, information is included in the new watermark that indicates the transformation or re-encoding used.

The TLS reference is a document that describes feature of an industry standard Transport Layer Security protocol that is used for Internet communications, such as in a TCP transport protocol. The TLS reference describes the specific packet formats that are used during a handshaking session that occurs at the transport layer, e.g., TCP, when two devices are communicating with each other. Thus, the TLS reference is merely an example of the numerous handshaking procedures that are known in the art to allow two devices to establish certain parameters **before** engaging in communication. Thus, using the techniques described in the TLS reference, it is necessary for first and second devices to stop transmission of data in order to change a capability at both devices before resuming data transmission for processing with that new/updated capability. In this sense, the devices are stuck in a static process whereby they are not able to change capabilities "on the fly".

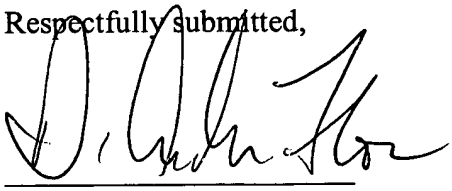
By contrast, the present invention is directed to embedding signature information that represents the capabilities of a device into the data stream itself, not into a header field or other ancillary packet. The first device generates the signature information based on its capabilities. Again, the signature information is embedded or inserted within portions of the data stream itself. Consequently, in the middle of an ongoing transmission of a data stream from the first device to the second device, the first device may change its capabilities (such as a capability

associated with processing of the data stream), change the signature information embedded in the data stream, and then the second device will detect the change in the signature information in the received data stream and change its capabilities "on the fly" and accordingly change how its processes the data stream. Using the technique according to the present invention, it not necessary to stop the transmission of the data stream, negotiate the new capabilities through a handshaking protocol (as would be required by the prior art), and resume the transmission of the data stream. Thus, the present invention is truly dynamic and can accommodate changes to the capabilities at the two devices in real-time with the transmitted data stream.

Thus, the present invention is not obvious in view of the prior art teachings of Stone, Levy and the TLS reference because none of these references teach or suggest embedding the signature information within the data stream itself, and not in a header field or packet, wherein the signature information represents a capability or attribute of the source device that transmits the data stream to a destination device. Based on the foregoing, it is respectfully submitted that the present application is in condition for allowance. Favorable action is respectfully solicited. The Examiner is cordially invited to telephone the undersigned with any questions or comments in order to expedite prosecution of this application.

By this Amendment, 6 claims are added. It is not believed that any fees are due. However, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 05-0460.

Respectfully submitted,



D. Andrew Floam
Registration No. 34,597

EDELL, SHAPIRO & FINNAN, LLC
1901 Research Blvd., Suite 400
Rockville, Maryland 20850-3164
(301) 424-3640

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